

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
GENEVIEVE ZIETEK,

Plaintiff,

-v-

PINNACLE NURSING &amp; REHAB CENTER,

Defendant.  
-----X**ORDER**

21-CV-5488 (AT) (JLC)

**JAMES L. COTT, United States Magistrate Judge.**

By Order dated March 2, 2022 (Dkt. No. 42), Judge Torres referred this case to me to make a recommendation as to whether Ms. Zietek is legally incompetent under Federal Rule of Civil Procedure 17(c)(2), and if necessary, whether the appointment of a guardian *ad litem* should be sought. To that end, the Court held a conference today, which proceeded by telephone. James Connors, counsel for Defendant appeared, as did Todd Fishlin, Ms. Zietek's appointed counsel in her state court proceedings in which she has been found to be incompetent and in which a guardian *ad litem* has been appointed.<sup>1</sup> Ms. Zietek did not appear. As discussed at the conference, the Court hereby orders the following:

1. The Court will hold a competency hearing over Zoom on **October 27, 2022** at **2:30 p.m.** The Court will email a Zoom link to Mr. Connors a few days before the hearing. He will in turn transmit this Zoom link to the Schervier

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<sup>1</sup> That guardian, Bronx Community Guardianship Network, was invited to attend today's conference, but did not do so.

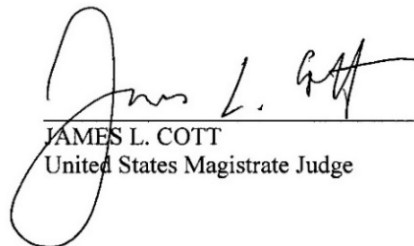
Rehabilitation and Nursing Center, where Ms. Zietek resides, to facilitate Ms. Zietek's attendance at the hearing. Mr. Connors will also transmit the Zoom link to Mr. Fishlin, who has graciously agreed to attend the hearing even though he is not counsel of record for Ms. Zietek in this case, in which she continues to proceed *pro se*.

2. The Court will order a transcript of today's conference, and make it available to Mr. Connors and Mr. Fishlin, who are directed to provide it to Ms. Zietek.
3. The Court has reviewed Exhibit B to Defendant's letter dated October 7, 2022 (Dkt. No. 64). Defendant is directed to refile the letter, attaching Exhibit B, as it does not appear to contain sensitive information, financial or otherwise, that would compromise Ms. Zietek's security.

Finally, the Court wishes to emphasize the importance of Ms. Zietek's attendance at the competency hearing on October 27, 2022. If she fails to attend, the Court may recommend that her lawsuit be dismissed without prejudice for failure to prosecute her case. Court orders, even if a party disagrees with them, must be complied with.

**SO ORDERED.**

Dated: October 7, 2022  
New York, New York



JAMES L. COTT  
United States Magistrate Judge